

The Appeals Board finds that the appealed Order should be affirmed. Claimant was injured on September 11, 1995 while carrying pipe up onto scaffolding. He continued to work until September 25, 1995 when he went home because the pain rendered him unable to continue. Claimant saw Dr. Mills on September 27 and attempted to come back to work with restrictions. He told his employer at that time that it was not work related. Claimant did not notify his employer of his accident or that he considered the injury to be work related until December 4, 1995. The Appeals Board finds no indication that the claimant suffered additional injury after September 11, 1995. The notice on December 4, 1995 was, therefore, beyond the 75-day limit established by K.S.A. 44-520. The Appeals Board, therefore, finds the application for benefits should be denied.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order of Administrative Law Judge Shannon S. Krysl dated February 6, 1996, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Chris A. Clements, Wichita, KS
Gregory D. Worth, Lenexa, KS
Shannon S. Krysl, Administrative Law Judge
Philip S. Harness, Director